

**CAUSE NO. 15-0229**

**MASTER WOODCRAFT  
CABINETRY, LLC, and MCW  
INDUSTRIES, LLC**

**Plaintiffs,**

**vs.**

**COLORADO STRUCTURES, INC.**

**Defendant.**

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**71<sup>st</sup> JUDICIAL DISTRICT**

**OF**

**HARRISON COUNTY, TEXAS**

**NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441(b)**

Defendant Colorado Structures, Inc. (“CSI”), through the undersigned counsel, hereby submits this Notice of Removal of Action Pursuant to 28 U.S.C. § 1441(b), and in support thereof states as follows:

1. There is currently pending in the 71<sup>st</sup> Judicial District Court of Harrison County, Texas a civil action styled *Master WoodCraft Cabinetry, LLC and MCW Industries, LLC v. Colorado Structures, Inc.*, Cause No. 15-229. Defendant CSI hereby removes this civil action to this Court pursuant to 28 U.S.C. § 1441(b). Attached as Exhibit 5 is the information required by Local Rule CV-81.

2. Plaintiffs in the action below, Master WoodCraft Cabinetry, LLC and MCW Industries, LLC, are Texas limited liability companies with principal places of business in Harrison County, Texas. *See* Exhibits 3 and 4 attached hereto. Defendant CSI is a Colorado corporation with a principal place of business in Colorado Springs, Colorado. As set forth in the “Plaintiffs Second Amended Original Petition for

Declaratory Judgment,” attached hereto as Exhibit 2, the amount in controversy between the parties, exclusive of costs, interests, and attorneys’ fees, is in excess of \$75,000.00. Specifically, Plaintiff MCW Industries, LLC alleges that is owed \$77,839.49 plus pre-judgment interest, costs, and attorneys’ fees, and Plaintiff Master WoodCraft alleges that it is owed \$44,278.04 plus pre-judgment interest, costs, and attorneys’ fees. Based on these facts, this Court has subject matter jurisdiction over the parties’ controversy pursuant to 28 U.S.C. § 1332(a).

3. Plaintiffs served the Petition on CSI by depositing the Citation and Petition in the United States mail, certified mail (return receipt requested) on May 7, 2015, which Petition and Citation were received by CSI on May 12, 2015 through its Registered Agent. This Notice of Removal is therefore timely filed under 28 U.S.C. § 1446(b), as it is filed within thirty days of Defendant’s receipt of Petition.

4. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice will promptly be filed with the Clerk of the Court of the 71<sup>st</sup> Judicial District of Harrison County, Texas. In addition, as evidenced by the Certificate of Service below, notice to the opposing party is being given contemporaneously through Plaintiffs’ counsel.

5. The following constitute “all process, pleadings, and orders served upon such defendant or defendants in such action,” pursuant to 28 U.S.C. § 1446(a), true and correct copies of which are attached hereto:

<b>Exhibit</b>	<b>DESCRIPTION</b>	<b>DATE</b>
1.	Citation	May 6, 2015
2.	Plaintiffs [sic] Second Amended Original Petition	May 6, 2015

6. As of the date of this filing, there are no motions pending in the state court, nor are there any briefs, petitions, replies, or hearings scheduled.

WHEREFORE Defendant Colorado Structures, Inc. requests that this Court accept the foregoing Notice of Removal.

DATED this 26 day of May, 2015.

**ALLENSWORTH & PORTER, L.L.P.**

100 Congress Ave., Suite 700

Austin, Texas 78701

Phone: (512) 708-1250

Fax: (512) 708-0519

By: /s/ Amy M. Emerson

Amy M. Emerson

State Bar No. 24059721

***ATTORNEY FOR  
COLORADO STRUCTURES, INC.***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2015, I served the foregoing Notice of Removal on the following by depositing a copy of the Notice of Removal in the United States Mail, first class postage prepaid, and sending it via telecopier to the following:

Jim Ammerman II

State Bar No. 0115770

209 W. Rusk Street

Marshall, Texas 75670

Phone: (903) 938-2398

Fax: (903) 938-2455

***ATTORNEY FOR PLAINTIFFS***

/s/ Amy M. Emerson

Amy M. Emerson